

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JAMES A. WILSON, ET,AL

V.

COMM. STANLEY TAYLOR,

RICK KEARNEY, WARDEN

LT. HOLLIS,SGT. MEARS,

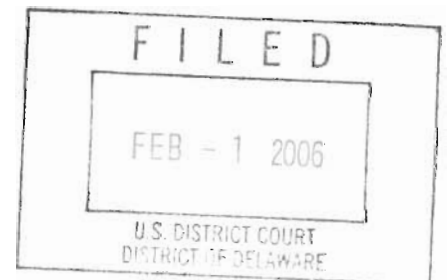
STAFF LT. HENNESSY,

MIKE DELOY,CPL.J.

STOZENBACH.

DEFENDANTS.

CIV. NO.: 05-399-JJF



DECLARATION IN SUPPORT OF PLAINTIFFS MOTION FOR A PRELIMINARY INJUNCTION
AND TEMPORARY RESTRAINING ORDER

1. I am the plaintiff, et,al in this case. I make this declaration in support my motion for a preliminary injunction and restraining order TRO to ensure that retaliatory actions are not handed down to me for filing a civil complaint and that my constitutional rights and civil rights are not violated.

2.As set forth in the Complaint in this case black inmates are diéd procedural due process hearings at S.C.I. in classification, jobs, and in disciplinary actions.

3. Black inmates are the majority at the prison, and is more likely to be sprayed with mace because of their race.

4. Black inmates are more likely to be classified to higher security and moved before due process proceedings are done.

5. Black inmates are being discriminated against in classification, jobs and disciplinary proceedings.

6. Plaintiff works as a tutor in the High School Diploma Course in the educational department.

7. According to Title 11§ 4347(i) and 4352 plaintiff do not fit the criteria for a mandatory over ride in his classification.

8. Plaintiff recently was informed by counselor Donna Fuhrman that he does fit the criteria.

9. Ms. Fuhrman who is the counselor of the Merit building was mentioned as defendant in the second amended complaint and was not admitted by the court to be a defendant. Ms. Fuhrman is the counselor that aids in the violation of the black inmates due process proceedings by classifying them out of the building before due process is complete.

10. Plaintiff informed counselor of Title 11§4347(i) concerning parole violations however, counselor was not receptive.

11. Plaintiff feel that this is a retaliatory action that is about to take place and is now seeking an injunction and a restraining order on his classification until the merits of his case is heard.

12. For the reasons set forth in the memorandum of law filed with this motion, the plaintiff is entitled to a temporary restraining order and a preliminary injunction requiring the defendants and the counselor not to classify plaintiff to Higher Security.

13. For the foregoing reasons, the court should grant the plaintiffs motion in all respects.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct

James A. Wilson

A handwritten signature in dark ink, appearing to be 'JA Wilson', is written over a light gray rectangular background.

I/M: JAMES A. WILSON, III, ~~DEPT~~ MERIT/EAST
SUSSEX CORRECTIONAL INSTITUTION
P.O. BOX 500
GEORGETOWN, DELAWARE 19947



UNITED STATES DISTRICT COURT

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